

CITY COUNCIL MEETING
TUESDAY, JANUARY 14, 2003
7:30 PM - CITY COUNCIL CHAMBERS

- A. CALL TO ORDER: at 7:30 PM by Mayor Cooper in Council Chambers.
- B. ROLL CALL, DETERMINATION OF A QUORUM. Present: Mayor Cooper and Council members Vanover, Pippel, Combs, Hanson, and Carrington. Council member Long was not present. Also present: City Manager Tom Healy, Attorney Jack Snodgrass, and Recording Secretary Pam Whitehead. A quorum was established.
- C. APPROVAL OF AGENDA: The agenda was approved as amended. Mayor Cooper **moved** New Business items M1 (resignation of Diana Long) and M2 (appoint to fill position) to be heard immediately following item E, Minutes of Previous Meetings; **removed** items M4 (authorize purchase of police radio) and M7 (authorize PSA with MWH) because additional information is needed; and **added** item L2, (Authorize City Manager to Amend PSA with Lounsbury & Associates and Land Design North for Urban Revitalization Project Design), which was carried over from last meeting. There were no objections.
- D. PLEDGE OF ALLEGIANCE: led by Council member Carrington.
- E. MINUTES OF PREVIOUS MEETINGS:
- The minutes of the regular meeting of December 10, 2002 were approved as presented.
 - The minutes of the regular meeting of December 17, 2002 were approved as amended. Correction was made at page 8, item 5, last sentence, insert word “of” – “... P&Z and City Council are doing a lot of work and they”
- M. NEW BUSINESS:
1. Accept Resignation of Council member Diana Long.

MOVED PIPPEL, SECONDED VANOVER, to accept the resignation of Council member Diana Long.

Council member Pippel spoke to Council member Long’s 17-plus years of service on the council and to the City of Palmer; that she will be greatly missed. Mayor Cooper spoke also to her dedication as a community volunteer; that it is with regret that the council must accept her resignation; noted if there were no objection, he would send a letter on behalf of the council commending her service and regretfully accepting her resignation.

Question on Motion: MCU.

2. Appoint Council Member to Fill Vacancy - Administer Oath of Office.

Mayor Cooper outlined the procedure for appointing a new council member; explained that the council will first hear from the two candidates who have submitted letters of interest, provide an open opportunity for any others in the audience who may wish to apply, followed by council

questions of the candidates, candidate closing statements, and finally council appointment by written ballot. The two candidates are Richard W. Best and Brian J. Fish.

Richard Best addressed the council outlining his qualifications for the position. He has served as a member of the Planning & Zoning Commission for the past year and three months which has given him some experience and insight as to the kinds of issues the city must deal with. He has also kept himself abreast of the issues facing the council this past year. He feels that he shares a lot of the same views of council members but maybe with a little different perspective. He shares the view of a community that has family-friendly neighborhoods, green spaces, and development that is cared after and nurtured by the council and the people within the city.

Brian Fish also outlined why he feels he is qualified for the position. He has worked for Matanuska Telephone Association for the last 10 years, has grown up in the area, and after graduating from college, decided to return to Palmer with his wife and raise his family here. He is at a time in his life where he has a desire to get more involved in the community and help out in anyway possible to make Palmer a better place for his family and to help secure the future of the city as well. He thanked the Mayor, City Manager, and Council members for taking the time to read his letter and consider him for the position.

The candidates were each asked the following two questions: What is your vision of Palmer? and What do you see as priorities for the Council this coming year?

Mr. Fish noted that one thing he truly enjoys about Palmer is the small-town community; enjoys being able to come downtown for the events where people know each other; feels that the people here take care of each other; thinks it is a great community and believes there is a lot of opportunity, not only for recreation, but for growth in a positive manner. In terms of priorities, he tries to keep up on current events, and thinks in order for the city to grow that it is important to extend the boundaries. He also thinks it is important to provide recreational services. He is big on education, outdoor recreation, trails, sports for youth, athletics. Not only is it important to protect the city within its boundaries, but also protect what is outside the city by bringing it in to oversee and plan future development.

Mr. Best stated that his current vision of Palmer is one of farmland and maintaining the homey, small-town feel of the community. He feels the city should continue to embrace and protect that openness and free spirit, but still allow for growth, as it goes through annexation. Green belts and trails have a friendly, family appearance and allow safe travel for children. These are things which need to be embraced for the future vision of Palmer. For Council priorities, annexation will probably be the largest task. Under the current economy, another large task will be balancing revenue with city services and amenities.

The candidates were each given an opportunity for a closing statement. None were offered.

The meeting was at rest while council members voted by written ballot. While the votes were being tallied by the Manager, Mayor Cooper thanked the candidates for coming forward and for their interest and service to the community.

Results of Ballot Vote #1: 3, Best; 3, Fish; tie.

Council members asked questions of each of the candidates in an effort to gain additional information by which to break the tie. Each spoke as to their personal and educational backgrounds, employment experience, and their unique perspectives and views.

Results of Ballot Vote #2: 3 Best; 3 Fish; tie.

The Mayor offered a final opportunity to each of the candidates to put forward any additional information they may choose to offer. Mr. Best spoke to the experience he has gained sitting on the P&Z Commission and felt that he may have more of an in-depth understanding of the issues faced by the city because of that experience. Mr. Fish had nothing new to offer.

Results of Ballot Vote #3: 4 Best; 2 Fish.

The Mayor announced that Richard Best has been appointed to fill the vacancy on the council. He expressed appreciation for the candidates' patience in the process; thanked Mr. Fish for participating and hoped that he would continue in his quest for community service; announced also that Mr. Best's appointment to the council leaves a vacant seat on the Planning & Zoning Commission and if anyone is interested to please contact him.

Council member Best was sworn in and seated on the council. Oath of office was administered by Manager Healy.

F. CONSENT AGENDA:

1. Liquor License Renewal - Palmer Bar.
2. Liquor License Renewal - Mat-Su Miners (Hermon Brothers Field).
3. Authorize Advertisement for Bids - A-Moose-Ment Park Parking Lot.
4. Authorize Joint Purchase with State of Alaska for Two Police Cars.
5. Ordinance No. 599 - An Ordinance Amending Palmer Municipal Code Subsection 2.08.030(A) (Time of Public Meetings), Changing the Starting Time for Regular Meetings from 7:30 P.M. to 7:00 P.M. (First Reading - Set Public Hearing and Second Reading for January 28, 2003).

MOVED CARRINGTON, SECONDED PIPPEL, to accept the consent agenda. MCU.

G. COMMUNICATIONS AND APPEARANCE REQUESTS: None.

H. BOROUGH REPRESENTATIVE'S REPORT: None.

I. AUDIENCE PARTICIPATION:

Tom Gibbons, Senior Site Acquisition Manager, Fred Meyer, who handles its real estate in Washington, Alaska, and Utah, presented the council with Fred Meyer's preliminary plans to locate a store in Palmer. They have identified the Baptist Church property for the proposed site and have secured a contract to purchase. They are currently in the beginning stages of due diligence and the

process of identifying the issues they must resolve. The biggest hurdle to resolve is traffic. He displayed and described the conceptual site plan. The plan consists of the Baptist Church property and the lot next to it, totaling 2.3 acres. It will not be a full-size store; the footprint will be between 66,000 and 96,000 sf. (By comparison, the Wasilla store is 175,000 sf.) The store would contain a full-line grocery and other general goods which would be determined by the merchants, e.g., sporting goods, photo, electronics, etc. Mr. Gibbons went on to describe proposed access points, which would be off of Cobb, Evergreen (through agreement with Burger King), and they will be working with State DOT regarding access from the Glenn Highway. He spoke to the challenges ahead in obtaining access from the Glenn and solving the problematic traffic on Evergreen. They propose the front of the store to face Evergreen. They have a meeting scheduled with the city and state to discuss traffic solutions. He emphasized the preliminary nature of the plan and that it could change as more information becomes known.

Questions and discussion continued regarding access and traffic problems. Mr. Gibbons indicated that FM can be flexible as to the orientation of the building if the talks with DOT are successful in gaining access to the Glenn. He explained the process by which what merchants will be located in the store. For instance, if there is a good hardware store in town, then FM will back off of hardware. FM will work with the community. The size of the store is determined by the market. They do an extensive market study. Appreciation was expressed for the store being located in the core area where people could walk to it. Mr. Gibbons spoke briefly to FM history; that the founder's belief was that you do not make your customer come to you, you go to your customer. He explained that is the reason why they fight very hard to obtain controversial sites which are usually right in the middle of where the people are. Fred Meyer "invests" in the city where they build. In Mr. Gibbons' career with FM, he has seen them do some very nice revitalization in downtown cores – mentioned the store in Ellensburg, WA., which is similar to Palmer in terms of size, population, and quality of life. He spoke to the challenges they faced with that project, mostly environmental, which also included relocation of a fish-bearing stream. It took several years to complete, but Ellensburg ended up with a beautiful revitalized area and a restored stream. The community was largely involved, including the college and the high school environmental club. In terms of time frame, pending solutions to the traffic and access problems, Mr. Gibbons would expect the store could open in 2004.

J. HEARINGS, ORDINANCES, AND RESOLUTIONS:

1. Ordinance No. 598-Z-53 – Ratifying the Recommendation of the City Planning and Zoning Commission Concerning Requested Amendment to the Zoning Map by Petitioners to Rezone Tract 4-2, Sherrod Park Subdivision (Public Hearing and Second Reading).

This ordinance will ratify the planning commission's recommendation to change the zoning of Tract 4-2, Sherrod Park Subdivision, from Single-Family Residential (R-1) to Public (P). This property is a portion of the property owned by the borough involved in the construction of the new Sherrod School on N. Gulkana St. Notices were sent out to 300 surrounding property owners; two responses were received, both no objection.

Mayor Cooper opened the public hearing at 8:26 p.m. and called for public comment; no one in the audience came forward.

MOVED PIPPEL, SECONDED CARRINGTON, to adopt Ordinance 598-Z-53.
MCU.

2. Resolution No. 1293 – A Resolution Authorizing the City Manager to Submit an Application to the Alaska Department of Environmental Conservation for a Loan from the Alaska Drinking Water Fund for Water System Improvements, Phase I.

This action authorizes submitting an application for a \$411,000 loan from ADEC Alaska Drinking Water Fund to pay 30 percent of the Water System Improvements, Phase I, project. This project includes the new well and well house, the Springer Loop water main, and the water tank rehabilitation.

Mayor Cooper called for public comment. None was offered.

MOVED PIPPEL, SECONDED VANOVER, to adopt Resolution 1293.
MCU.

3. Resolution No. 1294 – A Resolution of the City Council of the City of Palmer, Alaska, Authorizing the Issuance and Sale of a Series of Utility Revenue Bonds by the City in the Principal Amount of \$411,000 for the Purpose of Financing Water Improvements, Establishing the Terms of the Bonds, and Authorizing the Sale of the Bonds.

This resolution authorizes the City to issue and sell utility revenue bonds of \$411,000 to finance water system improvements. These bonds meet the loan obligation addressed in the previous resolution. Authority to issue these bonds came from the voters in 2000, which authorized the City to incur up to \$1.2 million in water utility revenue bonds. This \$411,000 is the first draw on that authorization.

Mayor Cooper called for public comment. None was offered.

MOVED PIPPEL, SECONDED VANOVER, to adopt Resolution No. 1294.
MCU.

4. Resolution No. 1295 – A Resolution Accepting a Grant from the Alaska Department of Environmental Conservation for \$26,000 for a Wastewater Sludge Feasibility Study (Grant No. 67109).

This grant is for 70 percent of the cost of a planning and design project that will develop plans for improvements to the City's sludge processing facility.

Mayor Cooper called for public comment. None was offered.

MOVED PIPPEL, SECONDED VANOVER, to adopt Resolution 1295.
MCU.

The meeting recessed at 8:30 p.m.; called back to order at 8:35 p.m.

K. BIDS: None.

L. OLD BUSINESS:

1. Discussion of Council and Planning Commission Compensation.

It was noted that this issue was tabled at the last meeting in order to gather additional information on other compensation levels in the state for mayors, council members, and planning commissioners. Mayor Cooper called attention to the information in the packet from AML's compensation survey for mayors and council members; the survey did not cover planning commission compensation.

Council member Pippel commented generally that Palmer's council is fairly compensated; he would make an exception for the position of Mayor – more is expected of the mayor than a council person; he would be in favor of raising the Mayor's salary, say to \$500 a month; noted that he thinks the planning commission is under-compensated; that they should receive the same pay as the council; that it would be reasonable to increase their compensation to \$50 per meeting.

Council member Vanover agreed that council members are adequately compensated; that the Mayor's salary should be raised; that also P&Z compensation should be adjusted up.

Council member Hanson commented that he didn't understand the disparity of compensation between work sessions and regular meetings; that consideration should be given to paying for work sessions the same as regular meetings. Further discussion followed. Council member Pippel spoke to work sessions falling under the realm of that of a volunteer or community service, that it goes with the job, and that he didn't feel he could support compensation for work sessions. Council member Carrington commented that a "work session" by definition means that it will be a grueling time that they often last as long as a regular meeting, and he would be in favor of compensating a work session equal to a regular meeting.

Council member Combs commented in support of increasing P&Z compensation to the same level as council members, keeping council compensation the same, and asked for Mayor Cooper's thoughts on why compensations should be increased.

Mayor Cooper believes when the ordinances were first adopted, the compensation level may have been adequate, however pointed out that the city has gotten larger, is dealing with more intense issues, will be going through more annexations, and will be faced with more business opportunities in the future. He feels compensation levels for the council and for P&Z are too little for the amount of time spent, whether it is a work session, a special meeting, or regular meeting; pointed out that typically council meetings for the last months have run until 11:00 p.m. almost every meeting; noted the same for work sessions. He recommended doubling the compensation across the board – P&Z, Council, and the Mayor. Further discussion continued on procedure for addressing the issue.

Consensus: Have the Manager bring back separate proposals to double the compensation across the board, with work sessions at one-half the rate paid for a regular meeting.

2. Authorize City Manager to Amend Professional Services Agreement with Lounsbury & Associates and Land Design North for Urban Revitalization Project Design.

The Mayor noted that at last meeting, this item was tabled to the January 14 agenda, however, figures have not yet come in from Land Design North. He recommended the matter be postponed to a later date. Brief further discussion continued.

MOVED VANOVER, SECONDED PIPPEL, to postpone the authorization to a later date.
MCU.

M. NEW BUSINESS.

1. (Moved to earlier on agenda.)
2. (Moved to earlier on agenda.)
3. Authorize Amendment of the FY 2003 Budget to Establish a Fire Department Training Grant Account.

MOVED PIPPEL, SECONDED VANOVER, to authorize the City Manager to amend the FY 2003 Budget to establish a Fire Department Training Grant Account.

Manager Healy requested this authorization to establish this fund within the Fire Department budget to account for training revenues and expenses involved in an arrangement made by Chief Contini with the State to provide funds to pay for training costs (facility cost, materials, etc.). The Palmer Fire Dept. will set up and coordinate the training sessions. The council's approval at this point will establish this action as a matter of record and he will have a budget amendment resolution before the council within 60 days.

Chief Contini explained that this is not a grant. It is money provided by Alaska Fire Service Training for expenses when they want to hold a training class in Palmer with state-wide enrollment. The students pay the State for the class, but the State pays Palmer for the cost of materials and equipment used in the class. He further explained that Alaska Fire Service Training is located at Ft. Richardson, that with the current level of security on base, they are having trouble getting students on and off base and are looking for other places to hold fire service training classes. Palmer is one of them.

MOVED PIPPEL, SECONDED VANOVER, to amend the motion to eliminate the word "grant" as it has been established that it would not be grant account. MCU.

Question to Motion as Amended: MCU.

4. (Removed)

5. Authorize City Manager to Amend Professional Services Agreement with Hattensburg, Dilley and Linnell for engineering and Design Services for Ball Field Improvements.

Conflict: Council member Best declared a conflict of interest on items M5 and M6 for the reason that he is employed by Hattensburg, Dilley, and Linnell. Council member Best was excused from the table without objection by the council.

MOVED PIPPEL, SECONDED VANOVER, to authorize the City Manager to amend the Professional Services Agreement with Hattensburg, Dilley and Linnell for Engineering and Design Services for Ball Field Improvements.

This action authorizes the manager to enter into an agreement with HD&L for the Sherrod ball field improvements. The agreement will incorporate HD&L's proposal for a total cost of \$20,915. This is in addition to the \$8,976 previously paid HD&L for an as-built survey.

Council member Pippel inquired if there was anything in the assumptions that the council should be concerned about and whether there is anything excluded that will end up being a problem. Rich Koch addressed the question; said there is nothing in the assumptions that would conflict with our knowledge of the scope of services; said that probably the only thing that would have potential for later discussion is the electrical services and whether they will be adequate for what the city ultimately wants to do; indicated that the basic assumptions are pretty standard. Further discussion ensued regarding how much was saved since the original proposal, as-built condition of the fields, and other aspects of the scope of work for the project.

MOVED COOPER, SECONDED PIPPEL, to amend the motion to add the words: "in an amount not to exceed \$20,915.00. MCU.

Question to Motion as Amended: MCU.

6. Authorize City Manager to Enter Into a Professional Services Agreement with Hattensburg, Dilley, and Linnell for Engineering and Design Services for Water and Wastewater System Improvements .

Four firms responded to the RFP; Hattensburg received the highest score among the proposals received. Approval of this item authorizes the manager to enter into an agreement with Hattensburg for design services in an amount not to exceed \$175,990 on a time and expense basis.

MOVED VANOVER, SECONDED PIPPEL, to authorize the city manager to enter into a Professional Services Agreement with Hattensburg, Dilley, and Linnell for Engineering and Design Services for Water and Wastewater System Improvements in an amount not to exceed \$175,990.

Discussion and comments followed regarding the fence being built on the property line and construction of a visual barrier. Mr. Koch stated that moving the fence or constructing a barrier will not be components of this job, but agreed that they are good ideas. In response to inquiry as to competitive rates, Mr. Koch believes the city is getting a competitive rate in the market and stated

the services from this firm in the past have been good, especially on the construction end. Further brief discussion continued the on bidding process.

Question on Motion: MCU.

[Council member Best rejoined council table.]

7. (Removed)
8. Planning Commission Recommendation Regarding Land Use and Zoning of Annexed Lands.

The Planning and Zoning Commission, at a Special Meeting on January 7, 2003, approved a recommendation to the council to amend city code to include language regarding use-by-right in the nonconforming use chapter for annexed areas. The proposed draft language, entitled *Annexed Areas* was included in the packet.

Manager Healy explained that he is looking for direction from the council at this point, suggesting that staff be directed to address some of the issues outlined in his memo, provide more definition and clarity, and bring a proposal back to the council in ordinance form. Mr. Healy spoke briefly to some of his concerns regarding the proposed language.

Council member Carrington requested background information and P&Z minutes on the subject; suggested forwarding the recommendation to the attorney.

Council member Hanson inquired as to the status of the Multiple Use Transitional District Ordinance (MUTD). The manager noted that discussion on it stopped about a year ago pending the outcome of the borough's Core Area Zoning plan, which would have impacted how the city placed zoning categories in its newly annexed areas. The borough adopted a conditional use ordinance instead of core area zoning; there hasn't been any significant discussions on the MUTD since that time.

Council member Hanson asked for clarification of the draft use-by-right language, paragraph B: "Use-by-right does not apply to all properties, only to those properties that are placed in a zoning classification that is contrary to the established use at the time of annexation." Lengthy discussion followed concerning the meaning of use-by-right and how it differs from legal nonconforming use.

The attorney raised a number of concerns regarding use-by-right versus legal nonconforming. He has concerns with the term use-by-right "opening up a Pandora's Box" to expensive legal challenges; noted that he could find no references to the term in his research; that it has no legal history; noted concerns about the apparent no limit to expansion under use-by-right, whereas legal nonconforming does not allow expansion. He spoke to the alternatives offered by the MUTD which says you can continue to use your property as you wish, you can expand it, but you cannot change the use and you cannot expand it to more than double.

Council member Pippel commented that he would have concerns about use of a term that can't be clearly defined.

Council member Combs noted that he sat in on the P&Z meeting and listened to the discussion for over two hours and his perception was that the commissioners were not able to agree on what use-by-right meant. He feels that when the term use-by-right hits the general public that there will be even more confusion and misconceptions. He agrees with the concept in general, but thinks the MUTD would be more appropriate because it has already been defined; that it could be amended to include a lot of the language proposed by the commission. He surmised that *eventually* we would want the annexed areas to conform to the surrounding area and that a Transitional or T-zone is the answer. In terms of extending a greater benefit to those who are being annexed, rather than just a nonconforming use, the T-zone would allow the right to use the property as it is being used, but not to change the use. Regarding expansion, he thinks the use should be allowed to be expanded to the limits of the current property lines as long as setback requirements are met. He believes the use-by-right language is misleading and will cause a lot of problems; that we're trying to redefine something that doesn't need defining. He added that transitional zoning should allow for rebuilding in the event of destruction by fire, etc.

Mayor Cooper spoke to the MUTD being temporary; recalled that the transitional zone had a time limit of two years to rezone.

The attorney pointed out that people in general commonly think of nonconforming use and grandfather rights as the same. He emphasized that P&Z's concept of use-by-right is not synonymous with everyone's understanding of nonconforming use or grandfather rights – it's something bigger. The MUTD addresses several of the questions and sets the parameters similar to what you could do under nonconforming use, but relaxes the restrictions to allow for rebuilding or expansion to the lot line, etc. The two-year time limit for rezoning is there because the comp plan says that "*initially*" the use and the zone would be identical; he emphasized the word *initially*, not forever. Further discussion continued trying to understand MUTD versus use-by-right versus nonconforming use.

Attorney Snodgrass noted that he would prepare a memo on the subject and staff will supply the council with P&Z minutes relating to the use-by-right issue.

N. CITY MANAGER'S REPORT: Manager Healy reported:

- *Medical Insurance Trust* - the consultant found a stop-loss carrier by the end of the year and was able to get stop-loss coverage for only a 3% increase over 2002 rates; the board will meet before the end of January to determine whether to keep the increase the same or set a higher increase to build up reserves;
- *Annexation* - the LBC on January 8, 2003 via teleconference, denied Mr. Briggs request for reconsideration; the manager testified that his request did not contain any new information; reported that the petition is on its way to the Legislature; informed that because this is an action that may affect people's voting rights, the city is required to get pre-clearance from the U.S. Department of Justice; spoke to the process; noted that although he could submit this request now, he is reluctant to do so until the city has all its rules in place and the P&Z Commission has had time to perform its 60-day review. Brief discussion followed.

- *Community Development Coordinator* - reported on the hiring status; the interviews are nearing completion; is hoping to make a job offer by the end of next week;
- *Alaska Railroad Trail Permit* - all parties have signed and the permit is in place;
- *Consolidated Dispatch* - continue to have meetings; Wasilla presented a draft budget for their proposed dispatch center, which aims at calendar year 2004; Wasilla's and Palmer's numbers are about the same; reported there are significant issues still to resolve – still no agreement on a funding formula. In a related matter, reported that the Borough and Wasilla have expressed some concern over Palmer's proposed increase of personnel and therefore costs. Further discussion followed regarding dispatch personnel.
- *Transportation* - will be meeting with DOT tomorrow regarding the Fred Meyer road access issues and the Airport Road/E. Evergreen paving project (still slated for work this summer);
- *S. Chugach Street Project* - see Notice on table re public meeting scheduled for January 30 at the Depot; notices have been mailed to all adjacent property owners but he will make sure that the neighborhood is aware so they can come to support the need for street lighting and sidewalks.
- *Library* - reported the funding formula that the borough is proposing for libraries is one of the priorities to go before the Assembly.

Brief questions of staff followed.

O. AUDIENCE PARTICIPATION:

Detlef Wanke, 236 E. Beaver, and member of the P&Z Commission, addressed the council first with regard to road condition and traffic on E. Arctic; suggested that the manager in his meeting with DOT see what he could do to get the problems corrected.

Mr. Wanke addressed use-by-right as opposed to nonconforming use. Most of the commission feels that it is unfair to people in the annexation areas, who are currently under borough regulations, to become "nonconforming" when they are annexed into the city. The concept of use-by-right is in the comp plan and the annexation plan is based on the comp plan. Because of this fact, the commission decided to follow through. He pointed out that just because use-by-right is new and has no legal history, doesn't mean that it can't be used.

The commission was basically given three options by staff: (1) The current Title 17 (nonconforming uses); (2) Multiple-Use Transitional District, or T-zone, or (3) the proposed use-by-right. The meeting that Council member Combs attended was long, debate was quite lively, and by the end of the meeting the commission still hadn't decided on what it wanted, so they called a special meeting and finally came up with the recommended use-by-right ordinance. No, it is not perfect. Mr. Healy's questions and concerns are very well founded, but thinks those concerns can be addressed and resolved. Mr. Wanke addressed the concern about the Xmas tree farm expanding into a Wal-Mart; stated that it will never happen because the use-by-right ceases when the property owner's use at the time of annexation ceases, and any subsequent use must conform to the proper zoning category. He noted that the commission didn't really consider the MUTD in-depth. It did include use-by-right but the commission was uncomfortable with the two-year time limitation. Mr. Wanke spoke in support of the commission's recommendation stating it was the best document they could live with.

P. COUNCIL COMMENTS:

Council member Carrington: offered to attend the next P&Z meeting as council representative.

Council member Vanover: apologized for not being able to attend the joint meeting at the Depot, that she had a conflicting commitment; commented in support of changing Arctic back the way it was; thanked the city for the Christmas Party, that it was absolutely delightful; thank you to Dan for running the Chinese Auction; voiced concern about the calls she has received from a lady whose place of business has been broken into recently for the fourth time. The Mayor stated that patrols have been stepped up in the area, but as he commented to the owner, not to the extent to where other areas of the city would be put in jeopardy. Discussion continued regarding police responses and the amount of vandalism and robberies that have taken place in the last year. The Mayor commented that he thinks the city is doing as much as it can to apprehend the culprits.

Council member Hanson: commented that if the council were to pursue some recreational opportunities for youth, we could eliminate a certain percentage of the vandalism and that it should be a priority; commented on the extensive amount of work coming this summer; he would like to see a time line for bidding, engineering services, etc. so the council can make sure all the activities will fit together. Mayor Cooper added that he would like to see the time line in the form of a large demonstrative exhibit.

Council member Pippel: commented that he also received a call from the property owner who was broken into; said he addressed the caller's concern about lack of response to her calls by the police chief and city administration by calling the chief who assured that he would respond; commented on the unbelievably good relations between the borough and the city; expressed appreciation for how the borough has been approaching issues as a good-faith partner in the government business; noted that he recognizes the effort the borough has taken to find reasonable solutions to problems.

Council member Combs: thanked Council member Carrington for planning to attend the P&Z meeting this Thursday; he believes it is helpful to the commission to have a council person present to address any questions they have regarding council actions; suggested that council members may want to rotate attendance, that he has found the meetings interesting and has gained a real appreciation for the amount of quality work the commissioners perform for the city; commented that he has suggested to P&Z to consider moving the City Council Report and Borough Rep. Report to earlier on its agenda so that it is not necessary to remain for the entire meeting; noted he was surprised by the notation on the agenda limiting a council report to 3 minutes and hoped that the time could be extended if necessary; spoke to the comp plan as it relates to annexation issues; noted he has read it thoroughly and believes it is an excellent document; pointed out that it is a work-in-progress and something that is not cast in stone, that just by the very nature of time and circumstances has to be changed as time goes along; doesn't see the comp plan as a writ as to what is going to happen, but as a guideline; commented that the use-by-right proposal is a recommendation of a general parameter of what is trying to be accomplished; reiterated that he agrees with the concept of being able to use your property as you were using it; agreed that the 2-year limitation is way out of the question; reiterated that he objects to the term use-by-right, that is misleading and confusing; that he wants it to be crystal clear to the people being annexed; thinks that additional benefits should be extended over and above nonconforming use, but still keep in mind the eventual goal of having all the uses compatible within each district.

Council member Best: expressed great appreciation for the time spent with the planning commissioners; noted thanks for their comments, discussions, and leniency during his learning process; thanked the Council and Mayor for giving him the opportunity to serve on the council.

Mayor Cooper: welcomed Council member Best on behalf of the council; announced re AML that Assembly member Jansen was selected as a co-chair on the Education Committee, Mayor Anderson was selected as co-chair on the Finance Committee, and John Duffy as co-chair on the Public Works Committee; noted that he will not be able to attend the AML early legislative meeting on February 12-13 in Juneau, that Council member Carrington would attend in his place; commented that he would like to set up a work session or special meeting to come up with a list of goals and objectives for this year; noted a meeting tomorrow with the borough on trails; added that next week he has two meetings with TRIAD and Governor Murkowski on the certificate of need for Valley Hospital; spoke to the interesting way that Juneau handles its 5% sales tax – 1% is discretionary which can be applied to projects; suggested that it may be something that Palmer may want to think about; announced that Council member Pippel will be chairing the next few meetings as he and his wife will be leaving on a trip to New Zealand, leaving January 25, returning February 24.

Q. ADJOURNMENT: at 10:50 p.m.

For a signed copy – contact the City Clerk.